

BEFORE THE
Federal Communications Commission

WASHINGTON, D.C. 20554

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COMMUNICATIONS SECTION

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In the Matter of

)
Advanced Television Systems)
and Their Impact upon the)
Existing Television Broadcast)
Service)

MM Docket No. 87-268

To: The Commission

COMMENTS
OF THE
INTERNATIONAL MUNICIPAL SIGNAL ASSOCIATION
AND THE
INTERNATIONAL ASSOCIATION OF FIRE CHIEFS, INC.

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TABLE OF CONTENTS

	Page
I. INTRODUCTION	2
II. BACKGROUND	3
III. COMMENTS	4
A. The FCC Should Consider Public Safety Spectrum Needs in Implementing Advanced Television . . .	4
B. Early Recovery of the Spectrum in UHF Channels 60-69 is in the Public Interest . . .	5
C. Spectrum in UHF Channels 60-69 Should be Reallocated for Public Safety Use	6
IV. CONCLUSION	7

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The International Municipal Signal Association ("IMSA") and the International Association of Fire Chiefs, Inc. ("IAFC"), by their attorneys, pursuant to Section 1.415 of the Rules and Regulations of the Federal Communications Commission ("Commission or "FCC") respectfully submit these Comments in response to the Sixth Further Notice of Proposed Rule Making ("Further Notice")^{1/} adopted by the Commission in the above-styled proceeding.

1 61 Fed. Reg. 43209 (August 21, 1996).

I. INTRODUCTION

IAFC is a voluntary, professional membership society. Its membership, comprised of approximately 10,000 senior Fire Service officials, is dedicated to the protection of life and property throughout the United States and abroad. IAFC is the major national professional association representing the interests of senior management in the Fire Service. The Fire Service is the largest provider of emergency response medical service in the United States.

IMSA is a non-profit organization dedicated to the development and use of electrical signaling and communications systems in the furtherance of public safety. IMSA members include representatives of federal, state, county, city, township and borough governmental bodies, and representatives of governmental bodies from foreign nations. Organized in 1896, IMSA is the oldest organization in the world dedicated to activities pertaining to electrical engineering, including the Public Safety use of radio technology.

IAFC and IMSA are recognized as the frequency coordinating committee for the Fire Radio Service and the Emergency Medical Radio Service ("EMRS") and, in conjunction with National Association of Business and Educational Radio,

Inc. (NABER), constitute the recognized coordinating committee for the Special Emergency Radio Service ("SERS").

II. BACKGROUND

IAFC/IMSA filed Comments responsive to the Notice of Proposed Rulemaking regarding the Development of Operational, Technical, and Spectrum Requirements for Meeting Federal, State, and Local Public Safety Agency Communication Requirements Through the Year 2010, WT Docket No. 96-86 ("Public Safety Proceeding"). IMSA/IAFC generally supported the findings and recommendations of Public Safety Wireless Advisory Committee's ("PSWAC") Final Report filed on September 11, 1996. Immediate reallocation of a portion of spectrum now occupied by UHF Channels 60-69 for public safety use is one of PSWAC's principle recommendations.

In the Further Notice, the Commission proposes early recovery of the spectrum in UHF Channels 60-69. IAFC/IMSA support early recovery of spectrum in UHF Channels 60-69. Early recovery of spectrum in UHF Channels 60-69 would facilitate reallocation of a portion of this spectrum for Public Safety use. While reallocation of recovered spectrum would be subject to a further rulemaking proceeding, the Commission does note this as an option for the use of

spectrum in UHF Channels 60-69.^{2/} IMSA/IAFC support this option and urge the Commission to reallocate a portion of UHF Channels 60-69 for public safety use.

III. COMMENTS

A. **The FCC Should Consider Public Safety Spectrum Needs in Implementing Advanced Television Systems**

Congress, by issuing a mandate to the FCC in the 1993 Omnibus Budget Reconciliation Act to study the spectrum needs of the Public Safety community,^{3/} and the FCC in its Public Safety Proceeding, both recognize the public safety community's need for more spectrum. Congressional concern for meeting public safety spectrum needs resurfaced recently in the 1997 Appropriations Act where Congress instructed the FCC to take into account the needs of public safety radio services in auctioning the spectrum in the 2305-2320 and 2345-2360 MHz bands.^{4/} In following with recently stated Congressional intent and Commission proceedings, IAFC/IMSA urge the FCC to take into account public safety spectrum needs in recovering spectrum currently assigned for

2 Further Notice, paragraph 26.

3 Omnibus Budget Reconciliation Act of 1993, Pub. L. No. 103-66, Title VI, § 6002, 107 Stat. 312 (codified 47 C.F.R. § 309(j)(10)(B)(iv)) (Budget Act).

4 Omnibus Consolidated Appropriations Act, 1997, P.L. 104-208, 110 Stat. 3009 (1996).

operation of NTSC stations and assigning digital television (DTV) allotments.

B. Early Recovery of the Spectrum in UHF Channels 60-69 is in the Public Interest

In the Further Notice, the Commission proposes locating all future DTV allotments in a core region of the existing VHF and UHF spectrum, namely the spectrum at VHF Channels 7 to 13 and at UHF Channels 14 to 51. Further Notice, paragraph 20. Because of the limited availability of spectrum in the core region and the need to accommodate all existing facilities with minimal interference among stations, the Commission foresees making some DTV allotments outside the core region. Further Notice, paragraph 21.

In order to minimize undesirable interference, the FCC plans to make 30 DTV allotments in the UHF Channels 60-69. Currently, these 10 channels support 97 NTSC stations. Both NTSC and DTV channels thus would continue to operate on Channels 60-69 as long as broadcasters beneath channel 60 were permitted to retain two channels. Because the FCC would make this spectrum available for DTV operations but has not set a date certain for current NTSC and future DTV operators to clear this spectrum, potential alternative uses for this spectrum cannot be maximized.

In order to maximize alternative uses of this spectrum, IAFC/IMSA recommend the Commission to re-examine its draft allotment plan to determine if alternative solutions exist which would free the Channel 60-69 block from DTV assignments. Furthermore, IMSA/IAFC urge the Commission to study other mechanisms to retire NTSC operations within Channels 60-69 in a timely manner. For instance, the Commission's computerized allotment system could be modified to make faster recovery of Channels 60-69 a higher priority. The FCC could impose higher penalties on DTV allotments within Channels 60-69, thus discouraging DTV allotments in that channel block.

**C. Spectrum in UHF Channels 60-69 Should
Be Reallocated For Public Safety Use**

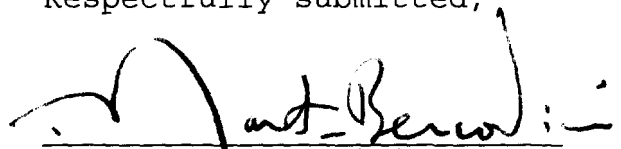
UHF Channels 60-69 occupy spectrum immediately adjacent to 800 MHz frequencies currently allocated to public safety services. The proximity of UHF Channels 60-69 to current public safety allocations makes it feasible for Public Safety agencies to operate, with minimal equipment modifications, on the UHF Channels 60-69. Reallocation of this spectrum for public safety use would avoid further fragmentation of public safety spectrum and would serve the Commission's goal of meeting the needs of public safety users. Additionally, because the spectrum in UHF Channels 60-69 currently is used by relatively few broadcast

stations, a prompt transition to public safety use could be achieved. IAFC/IMSA therefore urge the Commission to make reallocation of the spectrum in UHF Channels 60-69 a priority in implementing ATV systems.

IV. CONCLUSION

The Commission states its primary goal in this proceeding is to ensure that the implementation of the DTV service is accomplished in a manner that serves the public interest. Further Notice, paragraph 18. The Commission's public interest responsibilities stretch beyond ensuring that broadcasters have the spectrum necessary to offer digital television in its service area and that citizens continue to receive free digital over-the-air broadcasts from the station serving their area. The Commission also has a responsibility in protecting life and property by ensuring that Public Safety agencies have sufficient, quality radio spectrum to achieve their mission. Because UHF Channels 60-69 are adjacent to current public safety allocations, Public Safety agencies can readily adapt or buy equipment to operate in this spectrum. IAFC/IMSA support early recovery of the spectrum in UHF Channels 60-69 so that a portion of this spectrum may be quickly reallocated for public safety use.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Martin W. Bercovici", is written over a horizontal line.

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